

Appl. No. 10/645,366
Amdt. Dated 12/27/2005
Reply to Office Action of 08/18/2005

REMARKS

This Amendment is in response to the Office Action mailed 08/18/2005. In the Office Action, claims 1-6 and 40-55 were rejected under 35 USC 112, second paragraph, and further under 35 U.S.C. §103(a). Reexamination and reconsideration of this case is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-6 and 40-55 were previously pending. Claims 7-39 were previously cancelled. Claims 1, 3, 40, 43, 45 and 49 have been amended. No claim has been cancelled or added by this response. Accordingly, claims 1-6 and 40-55 are now pending. Of the pending claims, claims 1, 43, and 49 are independent claims.

Applicant believes that no new matter has been added by this response.

D) CLAIM REJECTIONS UNDER 35 U.S.C §112, 2ND Prg.

In section 2 of the Office Action, claims 1-6 and 40-55 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

Applicant has amended claims 1, 3, 40, 43, 45 and 49 to clarify the claimed invention and not for reasons related to patentability. Applicant believes this rejection has been overcome in view of the amendments and respectfully requests its withdrawal in regards to claims 1-6 and 40-55.

II) CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-6, and 40-55 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,093,908 issued to Beacom in view of: a) U.S. Patent No. 6,393,572 issued to Datta, b) U.S. Patent No. 6,405,273 issued to Fleck, and c) U.S. Patent No. 6,802,017 issued to Takayama, [Office Action, page 2]. Applicant respectfully traverses the rejection and contends a prima facie case of obviousness has not been established.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP*

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§2143, p. 2100-129 (8th Ed., Rev. 4, October 2005). Applicant respectfully contends that the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Independent claim 1 recites in part:

in a digital signal processor integrated circuit including ... a reduced instruction set computing (RISC) processor and one or more digital signal processing (DSP) units,
selectively swapping activity between the RISC processor and the one or more DSP units to conserve power;
(emphasis added).

The Office Action alleges that Beacom in view of Datta and Fleck discloses the foregoing features of the Applicant's invention. [Office Action, Page 2]. Applicant respectfully disagrees.

Applicant respectfully contends that the prior art references of Beacom, Datta and Fleck, alone or in combination, do not teach or suggest all the claim limitations.

It is well known in the art that operating electronic circuits requires the use of power, therefore the more electronic circuits that are in use in a system at any give time, the more power is typically consumed by the system.

Beacom is directed to a method and apparatus pertaining to a tightly-coupled pair of processors, which allows the operational facilities of the main processor to be utilized for executing another instruction in a common stream, in some cases before the coprocessor has completed executing a previous instruction (See Beacom, starting at Col 1 line 49). That is the invention disclosed in Beacom enables the main processor to be run concurrently with that of a coprocessor. Concurrent operations of the main processor and the coprocessor thus *increases power consumption* associated with the system disclosed in Beacom. (emphasis added).

By contrast, the activity between the RISC processor and the one or more DSP units in the claimed invention are selectively swapped to *conserve power* because the RISC processor and the one or more DSP units do not operate concurrently. (emphasis added).

Therefore, the invention described in Beacom, which increases power consumption, functions in a manner that is inherently contrary to that of the power conservation feature of the

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claimed invention. That is, Beacom teaches away from the claimed invention, which is a per se demonstration of lack of prima facie case of obviousness.

Datta, Fleck and Takayama are likewise silent as to the above feature of the claimed invention that is, neither Datta, nor Fleck nor Takayama disclose a power conservation method via selectively swapping of activity between the RISC processor and the one or more DSP units, as in the Applicant's invention. Thus Datta, Fleck and Takayama, taken alone or in any combination, does not disclose, suggest, or render obvious the foregoing features of selectively swapping activity between the RISC processor and the one or more DSP units, as recited in the amended independent claim 1.

Amended independent claims 43 and 49 share the same novel feature of independent claim 1 in regards to selectively swapping activity between the RISC processor and the one or more DSP units, as well as reciting further limitations of particular utility. Therefore, for at least the above-stated reasons with regard to amended independent claim 1, Applicant submits that amended independent claims 43 and 49 are patentably distinguished over the prior art.

Dependent claims 2-6, 40-42 and 52 directly or indirectly depend from amended independent claim 1, and thus include all the limitations of the amended independent claim 1 described previously, as well as reciting the above-described further limitations of particular utility. Therefore, for at least the above-stated reasons with regard to amended independent claim 1, Applicant submits that dependent claims 2-6, 40-42 and 52 are patentably distinguished over the prior art.

Dependent claims 44-48, 53 and 49-51, 54-55 directly or indirectly depend from amended independent claims 43 and 49, respectively, and thus include all the limitations of their respective amended independent claims, as well as reciting the above-described further limitations of particular utility. Therefore, for at least the above-stated reasons with regard to amended independent claims 43 and 49, Applicant submits that dependent claims 44-48, 53 and 49-51, 54-55 are patentably distinguished over the prior art.

For at least the foregoing reasons, Applicant respectfully requests the Examiner to withdraw the outstanding 35 U.S.C. §103(a) rejections of claims 1-6, and 40-55.

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CONCLUSION


In view of the foregoing it is respectfully submitted that the pending claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

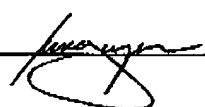
Respectfully submitted,
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Dated: January 12, 2006


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*I hereby certify that this correspondence is
being transmitted via facsimile to the Patent and
Trademark Office under 37 CFR §1.8 on:
January 12, 2006 to Examiner Kenneth S. Kim at
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Tu Nguyen

1/12/2006